IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION Nos.11061, 11556, 11557, 11569, 11570, 12144, 12145, 12146, 12148, 12150, 12152 12153 to 12165, 12167, 12178 to 12181, 12183 to 12189, 12191, 12198 to 12203, 12210 to 12213, 12215 to 12221, 12223, 12226, 12233, 12236, 12238 to 12240, 12247 to 12251, 12276 to 12280, 12282 to 12309, 12311, 12316 to 12319 all of 2003

For Approval and Signature:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR.JUSTICE J.N.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

DIVYADARSHI KANTILAL JANI

Versus

CHIEF EXECUTIVE OFFICER A.U.D.A.

M/s. PK JANI, PS CHAUDHARY, AG VYAS, AC THAKORE, FALGUNI D. PATEL, DK NAKRANI, RK MANSURI, AN PATEL, MAHESH BHAVSAR, SA QURESHI, SR BHOHARIA, HASHIM QURESHI, PS PATEL, SHAILNESH PANDYA, SG BAROT, MA PANDYA, KS PATEL, ANOOP KRISHNAN, CL SONI, DB RANA, DM PATEL, SUBHADRA G. PATEL, MM SHAIKH, DC DAVE, MR SHAH, BHARAT PRAJAPATI, CK PANDYA, DM PATEL for the petitioners
MR DN PATEL for AUDA
MR RM CHHAYA for AMC
MR KB PUJARA for AEC

CORAM : HON'BLE THE CHIEF JUSTICE

HON'BLE MR.JUSTICE J.N.BHATT

Date of decision: 28/08/2003

ORAL JUDGEMENT

(Per : HON'BLE THE CHIEF JUSTICE)

1. We propose to dispose of this group of petitions, in all 104, by a common order, since the question for consideration and decision is common.

2. Rule. Service of Rule is waived by learned counsels for the respondents.

3. The petitioners have constructed `low rise buildings' in the City of Ahmedabad. Before doing so, they sought permission from the Ahmedabad Urban Development Authority (AUDA) / Ahmedabad Municipal Corporation (AMC) for constructing the houses. After having done so, they have to seek Building Use Permission from AUDA/AMC. They have applied to Ahmedabad Electricity Company Limited (AEC) to provide domestic electricity connection to their premises. Since it has not been sanctioned, these petitions have been filed for direction to AEC to provide domestic electricity connection to their premises.

4. We think, petitioners deserve to be provided electricity connection to their premises, otherwise, they may not be in a position to live in their premises properly. Houses have been constructed, therefore, it is desirable to pass the following orders:

(1) The petitioners will approach AUDA/AMC seeking Building Use Permission within two weeks with a proper application/form/format and by paying requisite fee, if any. After the application is received, AUDA/AMC will take decision within four months.

(2) The petitioners will also apply to AEC for providing domestic electricity connection to their premises with a proper application/form and pay the charges within a week. The petitioners will be provided electricity connection within one month, on usual terms and conditions.

(3) In case AUDA/AMC does not grant Building Use Permission, it will ask AEC to disconnect the electricity supply to those petitioners in whose cases the permission has not been granted, within a period of fifteen days. The petitioners will file undertaking to AEC to the effect that in the event the Building Use Permission is not granted

by AUDA/AMC, the petitioners would have no objection to disconnection of electricity supply to their premises. This undertaking be filed along with the application/form meant for the purpose.

5. It is made clear that in case some of the petitioners have already applied with proper application/form and paid the requisite fee/charges, they be not asked to file fresh application or pay charges.

Rule is made absolute. Direct service is permitted.

(BHAWANI SINGH)
CHIEF JUSTICE

(J.N. BHATT)
JUDGE

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